

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

|  |  |
|--|--|
| Applicant's or agent's file reference<br><b>109327</b> | <div style="display: flex; justify-content: space-between;"><div style="text-align: center;"><b>FOR FURTHER<br/>ACTION</b></div><div>see Notification of Transmittal of International Search Report<br/>(Form PCT/ISA/220) as well as, where applicable, item 5 below.</div></div> |
| International application No.<br><b>PCT/AU03/01036</b> | <div style="display: flex; justify-content: space-between;"><div>International filing date (<i>day/month/year</i>)<br/><b>15 August 2003</b></div><div>(Earliest) Priority Date (<i>day/month/year</i>)<br/><b>23 August 2002</b></div></div>                                      |
| Applicant<br><b>KVINNO CENTRE PTY LTD et al</b>        |  |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of **6** sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**Basis of the report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (See Box II).

4. With regard to the title, ☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract, ☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. **10**

☒ as suggested by the applicant.

☐ None of the figures

☐ because the applicant failed to suggest a figure

☐ because this figure better characterizes the invention

|  |   |  |
|--|---|--|
| <b>A. CLASSIFICATION OF SUBJECT MATTER</b>   |   |  |
| Int. Cl. <sup>7</sup> : A61B 17/56, 17/04, A61F 2/08   |   |  |
| According to International Patent Classification (IPC) or to both national classification and IPC  |   |  |
| <b>B. FIELDS SEARCHED</b>  |   |  |
| Minimum documentation searched (classification system followed by classification symbols)  |   |  |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  |   |  |
| Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)<br>DWPI: A61/- and keywords (anchor filament thread suture direction tissue ligament tool insert install and like terms)  |   |  |
| <b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>  |   |  |
| Category*  | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No.  |
| P, X   | US 2003/0120309 A1 (COLLERAN ET AL) 26 June 2003<br>Entire document see eg claim 1  | 1-7, 9-10, 13-15,<br>17-20, 22-33  |
| X<br>Y   | WO 02/30293 A1 (GYNE IDEAS LIMITED ET AL) 18 April 2002<br>Paragraph bridging pages 33 and 34<br>Paragraph bridging pages 33 and 34 | 1-3, 5-15<br>4, 17-20, 22-33,<br>35-42, 44- 49                           |
| X  | WO 01/67962 A2 (ROSCH) 20 September 2001<br>Entire document see eg claim 1, figure 2  | 1-12, 14-15, 17-<br>20, 22-33  |
| Y  | Entire document see eg claim 1, figure 2  | 4, 17-20, 22-33,<br>35-42, 44- 49  |
| <input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex  |   |  |
| * Special categories of cited documents:<br>"A" document defining the general state of the art which is not considered to be of particular relevance<br>"E" earlier application or patent but published on or after the international filing date<br>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)<br>"O" document referring to an oral disclosure, use, exhibition or other means<br>"P" document published prior to the international filing date but later than the priority date claimed<br>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention<br>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone<br>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art<br>"&" document member of the same patent family |   |  |
| Date of the actual completion of the international search<br>3 October 2003  |   | Date of mailing of the international search report<br>29 OCT 2003        |
| Name and mailing address of the ISA/AU<br>AUSTRALIAN PATENT OFFICE<br>PO BOX 200, WODEN ACT 2606, AUSTRALIA<br>E-mail address: pct@ipaaustralia.gov.au<br>Facsimile No. (02) 6285 3929   |   | Authorized officer<br><br>JAGDISH BOKIL<br>Telephone No : (02) 6283 2371 |

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01036

| C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT |  |                        |
|---|--|------------------------|
| Category*   | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No.  |
| X   | WO 99/59477 A1 (WALSHE) 25 November 1999<br>Entire document                        | 1-3, 5-15              |
| X   | US 5944739 A (ZLOCK ET AL) 31 August 1999<br>See the drawings                      | 35-36, 40-42,<br>44-49 |
| X   | US 6334446 B1 (BEYAR) 1 January 2002<br>Entire document                            | 1-15                   |

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU03/01036

## Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos :  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See extra sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International application No.  
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## Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

### Continuation of Box No: II

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are four different inventions as follows:

1. Claims 1-16 are directed to a method of providing ligamentary like support comprising fixing two anchors, connecting the anchors by a filamentary element and adjusting the tension in the filamentary element. It is considered that *connecting two anchors by a filamentary element and adjusting the tension in the filamentary element* comprises a first "special technical feature".
2. Claims 17-34 are directed to a tissue anchor comprising a base and a head, the base including an aperture being adapted to receive a length of a filamentary element and only permitting unidirectional sliding movement. It is considered that *the aperture being adapted to receive a length of a filamentary element and only permitting unidirectional sliding movement* comprises a second "special technical feature".
3. Claims 35-43 are directed to a tissue anchor holder comprising a socket configured to receive the base and configured to allow access to the aperture and disengageable clamping engagement between the holder and the anchor. It is considered that *the disengageable clamping engagement between the holder and the anchor* comprises a third "special technical feature".
4. Claims 44-50 are directed to an insertion appliance for the tissue anchor comprising in combination a shaft, ejection means, bearing member and manipulation means to disengage the anchor from the holder. It is considered that *the shaft, ejection means, bearing member and manipulation means to disengage the anchor from the holder* comprises a fourth "special technical feature".

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

While the holder and the insertion appliance are by definition capable of being used with each other and the claimed anchor, there is no inventive concept or technical feature shared by the claim groups that represents a common advance over the prior art.

The claims were covered by a single search fee because it was deemed that they could be effectively searched together without incurring significant additional search effort.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU03/01036

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

| Patent Document Cited in Search Report |             | Patent Family Member |            |    |            |
|--|-------------|----------------------|------------|----|------------|
| US                                     | 20030120309 |                      |            |    |            |
| WO                                     | 0230293     | AU                   | 95717/01   | CA | 2427882    |
|  |             | GB                   | 2382993    | EP | 1324705    |
| WO                                     | 0167962     | AU                   | 40959/01   | EP | 1263328    |
| WO                                     | 9959477     | AU                   | 40921/99   | CA | 2333121    |
|  |             | US                   | 6506190    | EP | 1079740    |
|  |             | US                   | 2003078604 |    |            |
| US                                     | 5944739     |                      |            |    |            |
| US                                     | 6334446     | AU                   | 19643/97   | AU | 19986/00   |
|  |             | CA                   | 2247464    | CA | 2351455    |
|  |             | EP                   | 0904015    | EP | 1187557    |
|  |             | US                   | 5520700    | EP | 103737     |
|  |             | US                   | 6387041    | US | 5807403    |
|  |             | US                   | 2001012941 | US | 5972000    |
|  |             | US                   | 2002050277 | US | 6406480    |
|  |             | US                   | 2002095181 | US | 6544273    |
|  |             | WO                   | 9730638    | US | 2001041895 |
|  |             |                      |            | US | 2002035369 |
|  |             |                      |            | US | 2002095064 |
|  |             |                      |            | US | 2002095163 |
|  |             |                      |            | US | 2003135225 |
|  |             |                      |            | WO | 0040158    |
| END OF ANNEX                           |             |                      |            |    |            |